

1 Micheal LEON Williams#63077  
2 NORTHERN NEVADA CORRECTIONAL CENTER  
3 Post Office Box 7000  
4 Carson City, Nevada 89702

5  
6 United States District Court  
7 District of Nevada

8 Micheal LEON Williams,  
9 Plaintiff

CASE NO.

10 VS.

11 Hartman, Associate Warden,  
12 Fonoimana, Keisty, Lieutenant,  
13 Santos, Danilo, investigator,  
14 Suwe, Robert, investigator,  
15 Hicks, Donald, investigator,  
16 defendants).

Civil Rights Complaint

By AN NEVADA STATE PRISONER

PURSUANT TO 28 U.S.C. § 1333(2)(3); 42 U.S.C. § 1983

original complaint,

Jury trial Demanded

17  
18 JURISDICTION

19 This Court has jurisdiction over this action pursuant to:

20 28 U.S.C. § 1333(2)(3); 42 U.S.C. § 1983

21 Plaintiff Micheal Leon Williams is and was at all times  
22 mentioned herein a prisoner of the state of Nevada in the  
23 custody of the state of Nevada Dept. of Corrections. Plaintiff is  
24 currently confined in Northern Nevada Correctional center, in  
25 Carson City, Nevada. Northern Nevada correctional center is where  
26 the violations took place that are contained within this complaint.

27 THIS COMPLAINT IS SUPPORTED BY ATTACHED EXHIBITS E-FILE PAGES 13 thru 54.  
28

## Defendants

Defendant; Hartman is the Associate Warden of Northern Nevada Corr. Center. He is legally responsible for the operation of Northern Nevada Corr. Center, and for the welfare of all the inmates in this prison.

Defendant; Kristy Fonoimoana is correctional officer of the Nevada Dept. of corrections who at all times mentioned in this complaint, held the rank of Lieutenant and was assigned to Northern Nevada Corr. Center.

Defendant; Danilo Santos is a correctional officer of the Nevada dept. of corrections who at all times mentioned in this complaint, held the rank of Investigator and was assigned to Northern Nevada Corp. Center.

Defendant; Robert Suwe is a correctional officer of the Nevada Dept. of Corrections who at all times mentioned in this complaint, held the rank of INVESTIGATOR and was assigned to Northern Nevada CORR. CENTER

Defendant Donald Hicks is a correctional officer of the Nevada dept. of Corrections who at all times mentioned in this complaint, held the rank of INVESTIGATOR and was assigned to Northern Nevada Corr. Center.

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Each defendant is sued individually and in his or her official capacity. At all times mentioned in this complaint each defendant acted under the color of state law.

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## 1 NATURE OF CASE

2 There is a deliberate and intentional disregard  
 3 for plaintiffs 14th amendment rights; regarding  
 4 due process involving disciplinary proceedings.  
 5 Plaintiff will show the courts through documented  
 6 legal material, that the violations of plaintiff constitutional  
 7 rights have caused unwarranted deprivation; loss of  
 8 liberty; pattern of abuse; denied legal rights; loss of  
 9 privileges; loss communication w/ family; denial of evidence  
 10 against plaintiff; unjustified confiscation of property;  
 11 plaintiff to be a victim of dishonesty by correctional  
 12 officers; and racially motivated strategies of persuasion.  
 13 "

14 Between 7/2023 and 10/2023 correction officers at  
 15 Northern Nevada Correctional center, worked in concert to  
 16 deprive plaintiff of his due process rights regarding  
 17 disciplinary procedures. NDOC policy stated within  
 18 AR 707 and AR 740 were not followed. AR 707 being  
 19 "OFFender Disciplinary Process", and AR 740 being "Inmate  
 20 grievance procedure." Plaintiff was denied "Evidence prior  
 21 to disciplinary Hearing", and found guilty at said hearing.  
 22 Upon Appeal of the guilty finding, Warden Hartzman falsely  
 23 claimed reasons to reject appeal. Plaintiff was the subject  
 24 of a botched drug test that appears to be a staged  
 25 set up. Having items tested by an in house kit, instead  
 26 of a third party lab; by an non-expert. The LT overseeing  
 27 the disciplinary hearing allowed all of these actions to  
 28 take place. When it was the LT's duty to prevent the

1 illegal action from continuing. Plaintiff has been a  
 2 victim of false reporting / time delayed reporting. Any  
 3 offense by an offender that is worthy of charges, per  
 4 AR 707 section 3 (A)(1) must be charged and report  
 5 complete by end of shift. In plaintiff's case, officers were  
 6 allowed to complete a notice of charges 3 days late; in  
 7 total violation of the Dept. owns policy.

8 Plaintiff was written up for a physical altercation w/out  
 9 the other party being wrote up. Plaintiff as a result,  
 10 was placed in seg. without proper due process. Plaintiff  
 11 has no choice but to feel the sting of targeted abuse  
 12 by correctional officers.

13 "Throughout all of these unfortunate events, attempts to  
 14 access the law library; at times were hindered by staff  
 15 and officers. A hindrance that should never infringe on  
 16 an inmates right to access the courts, nor access to  
 17 legal assistance.

18 Plaintiff will also show through documented proof, that  
 19 as a result of plaintiffs 14<sup>th</sup> amendment procedural due  
 20 process; regarding disciplinary hearings; plaintiff has  
 21 lost a costly amount of personal property. Personal  
 22 property for which plaintiff has receipts, and some items  
 23 that are priceless, and unreplaceable. Had plaintiff never been  
 24 deprived of his constitutional rights by illegal disciplinary  
 25 proceedings; personal property of plaintiff would not have been subject

1 illegal confiscation, and unwarranted loss.

2 Plaintiff as an African American male, feels due to  
3 the lack of education and ability to articulate legal  
4 jargon within the African American community; Admin.,  
5 staff, officers and such, believe they can do and get away  
6 with any deceptive measures they wish.  
7 "

8 "

9 "

10 "

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## Statement OF FACTS

The following defendants violated my 14<sup>th</sup> amendment rights to due process regarding disciplinary procedure by, and as follows:

Defendant Donald Hicks, the institutional investigator on August 9th, 2023 while rehousing plaintiff into ad-seg claims to have found drug paraphanelia in plaintiff's possession. Defendant Hicks stated in a legal document (unsigned by any supervisor.. see exhibit A) that he performed a subsequent test on suspected spice(synthetic cannabinoid) and it indicated a presumptive test for morphine / heroin. Defendant Hicks is not an expert in toxicology, nor did Defendant Hicks go through the proper protocol and have the suspected items sent to a lab / third party test. Defendant Hicks has no third party verification as to the authenticity of the test. And as shown on pg.5 of Exhibit A, theres no supervisor's signature to verify the reliability of defendants Hicks finding. Where NDOC policy is to require a supervisor's signature before a notice of charges can proceed. This incident resulted in plaintiff receiving a charge of MJ 54 USE OF INTOXICANTS; (the court should note plaintiff was not physically drug tested by means of urine, nor blood.) When plaintiff inquired about the evidence against him so plaintiff could prepare his defense; plaintiff was denied evidence (in direct violation of NDOC policy) and ruling in (Melnik v. Dzurenda by chief Judge Miranda du). Instead of evidence being given to plaintiff; plaintiff was told to look at picture (see exhibit A pages 9 and 10.) .... More details under defendant L.T Fonimoana

1 Defendant Hicks illegal actions eventually lead to  
 2 a sham hearing, that resulted with plaintiff being found  
 3 guilty of a charge MJ 54, use of intoxicants.

4

5 Defendant Santos, institutional investigator at Northern  
 6 Nevada Corr. Center, on August 9<sup>th</sup>, 2023 charged plaintiff  
 7 with an MJ2 - Assault. This charged stemmed from an incident  
 8 on August 16<sup>th</sup>, 2023, that was witnessed by another officer.  
 9 The witnessing officer, which was never identified throughout the  
 10 disciplinary proceeding, is the officer that had the duty of writing  
 11 plaintiff up for a notice of charges. Defendant Santos being an  
 12 investigator and an officer with tenure, is fully aware of NDOC  
 13 policy spelled out in AR 707 section #3 A. which states  
 14 "Upon reasonable belief on an NDOC employee that a disciplinary  
 15 offense has been committed; employee should promptly, and prior to  
 16 end of shift, complete the Notice of charges - DDC-3017 using the Nevada  
 17 Offender Tracking Information System." - (NOTIS) Defendant Santos  
 18 competent enough to hold rank as investigator, would be competent  
 19 enough to know full well that his actions and decision to charge  
 20 me 3 days late, is a direct violation of NDOC policy; and a violation  
 21 of my constitutional right to due process regarding disciplinary  
 22 proceedings. Defendant Santos disrespectful and malicious actions  
 23 caused plaintiff to suffer the loss of property, loss of good time/  
 24 work time credits, loss communication with family, loss of rec. time,  
 25 loss of general privileges afforded to inmate that is housed in the  
 26 general population. All of these losses occurred upon being  
 27 rehoused in Ad-seg due to illegal and unconstitutional actions of  
 28 Defendant.

SEE Exhibit B.

STATEMENT OF THE FACTS

1 Defendant Suwe, institutional investigator at Northern Nevada  
 2 Corr. Center improperly charged plaintiff with an MJ 53 Poss./  
 3 Sales of intoxicants. A charge that plaintiff plead not guilty to,  
 4 was ultimately found guilty at a disciplinary hearing, and  
 5 defendant appealed. Defendant charged plaintiff with possession of  
 6 materials suitable for the manufacture of alcohol. Out of several items  
 7 defendant deemed contraband, defendant alleges a packet of yeast  
 8 was the deciding factor for the charges. A packet of yeast  
 9 alone can not constitute the production of alcohol, and the other  
 10 alleged contraband items were not compatible with alcohol in  
 11 any way. Further more, NDoc policy is to serve plaintiff with a  
 12 unauthorized form notating any property confiscated from  
 13 plaintiff, "that was not done." Defendant Suwe committed this  
 14 procedural due process violation on July 19<sup>th</sup> 2023, when defendant  
 15 brought plaintiff to Ad-seg; with no formal charges. Plaintiff  
 16 had no charges against him, until plaintiff property was  
 17 inventoried as a result of being admitted to Ad-Seg.

18 SEE EXHIBIT C pg#5. The court should take note of the intentional  
 19 violations of plaintiff 14th Admin. rights to due process, as an on  
 20 going practices within the NDoc. To the point of plaintiff, "being  
 21 a targeted inmate". These violations are deliberate and intentional,  
 22 and are allowed to run wild at the overseeing of those in Admin.,  
 23 within the position of power to stop the actions.  
 24 "

25 "

26 "

27 "

28 "

1 Defendant L.T. Kristy Fonoimoana, being the L.T. that oversaw  
 2 and lead disciplinary hearings against plaintiff; did, on three (3)  
 3 separate hearings, violate plaintiff's limited procedural due process  
 4 rights, in refusing to turn over copies of evidence prior to  
 5 disciplinary hearings. Not only is this a direct violation of plaintiff's  
 6 14th amendment; it's in direct violation of NDOC's own policy.  
 7 ref: AR 707 section 7. evidence (9)(b) "In addition to the Notice  
 8 of charges - DOC 3017, the inmate shall receive copies of any evidentiary  
 9 documents, which the Disciplinary Hearing Officer / Full Disciplinary  
 10 Hearing Committee considers." The courts have already ruled in Melnik  
 11 v. Dzunenda; and Jones, 2008 U.S. Dist. LEXIS 119025, 2008 WL 8209061;  
 12 that refusal to turn over evidence to plaintiff prior to hearing, did  
 13 in fact violate plaintiff's rights, and stripped defendants from  
 14 qualified immunity. The courts will notice that LT. Fonoimoana  
 15 was in fact the disciplinary L.T. involved in all 3 of plaintiff's  
 16 disciplinary hearings; that plaintiff claims to have been a  
 17 object of targeted deprivation, in which his due process  
 18 rights were blatantly and outright violated. In Exhibit A pg. #7  
 19 Summary of Disciplinary Hearings for plaintiff Williams, Michael Leon  
 20 OIC#: 523620 IR#: IR-2023-NNCC-002710 section marked B,  
 21 courts will notice a text of the hearing recording. In that text  
 22 plaintiff is once again asking for evidence; and the LT Fonoimoana  
 23 replies with an answer that refers to a picture (EXHIBIT A pg #10).  
 24 This strengthens plaintiff's complaint of due process violation, by  
 25 the acknowledgement of LT Fonoimoana admitting on recording  
 26 that plaintiff must look at picture; indicating that plaintiff did not  
 27 have any evidence in his person. LT Fonoimoana did commit due  
 28 process violation, within all hearings aforementioned. see ex.B pg#7-exc. pg#7

1 Defendant HARTMAN, ASSOCIATE WARDEN AT NORTHERN NEVADA  
 2 CORRECTIONAL CENTER DID VIOLATE MY /plaintiff rights to due  
 3 process under the 14th AMENMENT; by refusing to correct  
 4 the wrongs that were allowed to take places during plaintiff's  
 5 disciplinary hearings. Upon the finding of guilt, plaintiff filed a  
 6 timely appeal, highlighting obvious violations; both institutional  
 7 and constitutional. Believing that the appeal process was the  
 8 proper method of resolve , plaintiff waited for Warden Hartman  
 9 to overturn the finding of guilt. But instead of doing the honest  
 10 duty that defendant has an obligation to do, defendant continued  
 11 in concert with his officer, to violate plaintiffs right. And  
 12 Defendant went a step further, defendant used dis-honesty to  
 13 falsify legal documents.(in direct violation of NDoc Penalties and  
 14 Prohibitions, Section H. DISHONESTY #3. Knowingly falsifying any  
 15 state record or report). SEE EX.D The falsifing of legal documents are  
 16 evident on the first page of exhibit A, B, and C. The box marked; missing  
 17 documents; with documents listed as missing; are in fact, and clear to the  
 18 eye,"present within the Appeals". Yet warden Hartman illegally, willingly,  
 19 and knowingly lied and used this deceptive tactic to deny plaintiffs  
 20 timely appeal of illegal disciplinary hearings. Warden Hartman,  
 21 due to his competent intentions should not be shielded with the honor  
 22 of qualified immunity.  
 23 "

24 Defendants has caused plaintiff undue harassment, loss, emotional  
 25 pain, and targeted abuse by violating his procedural and constitutional  
 26 right of due process. This wrong can only be made right through the  
 27 honorable courts administering their judgement in favor of the plaintiff  
 28 for relief in every manner prayed for and that the courts deemeed fit.

## Exhaustion of Legal Remedies

Plaintiff Micheal Leon Williams used the prisoner grievance procedure available at Northern Nevada Correctional Center to try and solve the problems and issues contained within this complaint. Exhibits will reflect on the proper attempts made by plaintiff to remedy the issues and problems at hand within this complaint.

Between 10/2021 and 9/2023 plaintiff filed timely and correct grievances, only to be met with sophistry. The indecorous response by Warden Hartman, highlights the illegal and unconstitutional practices at the highest level of administration at Northern Nevada Dept. of Corrections. As the courts will take notice to the cover page of Doc-3098 at the beginning of Exhibits A,B,C; Warden Hartman Rejected plaintiffs grievances for false and untrue reasons. "STATING MISSING documents"; the court will take notice to all "MISSING documents", ARE IN FACT properly ATTACHED to grievances. Instead of correcting, or righting wrongs, Warden Hartman continued in concert with his officers to violate my procedural due process under the united states constitution Thus leaving plaintiff with only one option; which was to bring suit against defendants.

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## Prayer For Relief

wherefore, plaintiff respectfully prays that this court enter judgement granting plaintiff:

Compensatory damages in the amount of  
\$ 20,000 against each defendant in their  
official and individual capacity.

Punitive damages in the amount of \$50,000 against each defendant in their individual and official capacity.

Plaintiff's costs in this suit, and any additional relief this court deems just, proper, and equitable.

Dated: 12 / 21 / 2023

Respectfully submitted,

Micheal leon Williams

Michael L. Williams

## VERIFICATION

I DECLARE UNDER PENALTY OF PERJURY UNDER  
THE LAWS OF THE UNITED STATES OF AMERICA  
THAT THE FOREGOING IS TRUE AND CORRECT.

Michael L.W. Williams

signature of Plaintiff

12/21 12083

DATED

< CERTIFICATE OF SERVICE >

I, MICHAEL LEON WILLIAMS, Plaintiff, certify that on 12/21/23  
I handed for E-FILING, A Copy of Attached CIVIL RIGHTS COMPLAINT  
BY A STATE ACCOMPANIED BY THIS "APPLICATION TO PROCEED IN FORMA  
PAUPERIS FOR INMATE WITH ATTACHED FINANCIAL CERTIFICATE," WITH  
~~ATTACHED~~ CIVIL RIGHTS COMPLAINT BY AN NEVADA STATE PRISONER  
PURSUANT TO 28 U.S.C. §1333(2)(3); 42 U.S.C. §1983 ORIGINAL  
COMPLAINT JURY TRIAL DEMAND. FOR E-FILING  
DATED this 21st, day of December, 2023

*Michael L. Williams*  
MICHAEL L. WILLIAMS